

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 2003-457

July 3, 2003

Appeal of Consumer Assistance Division Decision  
#2003-15187 Regarding Central Maine Power  
Company

ORDER

WELCH, Chairman; DIAMOND & REISHUS, Commissioners

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**I. SUMMARY**

In this Order, we uphold the decision of the Consumer Assistance Division Decision (CAD) concerning a dispute between Mr. Aaron Gleich and Central Maine Power Company (CMP).

**II. BACKGROUND**

On May 28, 2003, legal counsel for Mr. Gleich complained to CAD about CMP's failure to refund or provide a credit to Mr. Gleich for a payment he made to CMP in April 2003. Mr. Gleich paid CMP \$1,498.00 on an account of one of his tenants who lives in a building he owns in Dexter, Maine. According to counsel, the amount owed is the responsibility of the tenant and Mr. Gleich "inadvertently" paid the bill. CMP has refused to refund the \$1,498.00 to Mr. Gleich because the electronic payment clearly indicated it was for the tenant's account.

CAD investigated the matter and issued its decision on June 17, 2003. Upon examining CMP's records, CAD found that Mr. Gleich called CMP on April 10, 2003 and specifically said he would pay \$1,284.00 on the tenant's account. An electronic payment of \$1,498.00 was remitted by Mr. Gleich on April 20, 2003. It included the tenant's name and account number. CAD also found that Mr. Gleich had made previous payments of \$214.00 per month on the account in September and October 2002. CAD stated it would not direct CMP to refund the payment. It further found that the Commission was without jurisdiction over the lease arrangement between the tenant, Mr. Gleich and HUD and that the contractual issues would be better addressed in a court of law.

On June 24, counsel for Mr. Gleich appealed CAD's decision. Counsel claims that the only payment Mr. Gleich made on this tenant's account was on April 20, 2003, no payments were made by him in September and October, and that the April payment that was made in error. He further claims that Mr. Gleich has no legal obligation to pay the bills and the amount paid should be refunded or credited to one of Mr. Gleich's accounts. He does not believe legal action should be necessary to obtain a refund for an amount incorrectly paid to the wrong account.

### III. DECISION

After reviewing the record of this case we agree with CAD's resolution. Mr. Gleich will need to work out with the tenant and HUD who is responsible for utility bills. We find CMP acted reasonably in accepting the payment and assuming that Mr. Gleich made the payment for the purpose of paying an amount toward the balance due on his tenant's account. Mr. Gleich has paid some portion of the tenant's bill in the past (as evidenced by electronic payment statements from his account) and in fact, according to CMP records created at the time of the call, he stated on April 10, 2003 that he would pay the tenant's bill. If he subsequently determined that his tenant should be responsible for the amount he paid, he will need to address that with his tenant, or possibly HUD. Based on the information provided by Mr. Gleich, it appears that the tenant may have benefited twice by the utility allowance provided by HUD: by Mr. Gleich offsetting it from her rent and by his paying her utility bill. If this has occurred, it is the tenant who has been unjustly enriched and Mr. Gleich will need to seek his remedy from the tenant.

Therefore, we uphold the decision of CAD and decline to investigate this matter further.

Dated at Augusta, Maine, this 3<sup>rd</sup> day of July, 2003.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Diamond

COMMISSIONERS ABSENT:              Reishus

## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

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